

* * * * *

§ 180.1082 [Removed]

3. By removing § 180.1082 *Cross-linked polyurea-type encapsulating polymer (Alachlor); exemption from the requirement of a tolerance.*

[FR Doc. 95-10867 Filed 5-2-95; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 185

[OPP-300260A; FRL-4951-8]

RIN 2070-AC18

Acephate, Triadimefon, Iprodione, and Imazalil; Revocation of Food Additive Regulations; Reopening and Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Reopening and extension of comment period.

SUMMARY: EPA is reopening and extending until June 2, 1995, the comment period for a proposed rule that was published in the **Federal Register** of January 18, 1995 (60 FR 3607) that proposed the revocation of certain section 409 food additive regulations established under the Federal Food, Drug and Cosmetic Act (FFDCA) for four chemicals: acephate, triadimefon, iprodione, and imazalil. The original comment period on the proposal extended until April 18, 1995, but because of the unavailability of certain documents in the docket, the comment period is being extended.

DATES: Written comments, identified by the document control number [OPP-300360A], must be received on or before June 2, 1995.

ADDRESSES: By mail, submit written comments to: Public Response Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA

without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number, [OPP-300360A]. No CBI should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Niloufar Nazmi, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. WF32C5, Crystal Station #1, 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8028; e-mail: nazmi.niloufar@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: A record has been established for this rulemaking under docket number [OPP-300360A] (including any comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form

as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

List of Subjects in 40 CFR Part 185

Administrative practice and procedure, Agricultural commodities, Food additives, Pesticides and pests, Processed foods, Reporting and recordkeeping requirements.

Dated: April 25, 1995.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 95-10869 Filed 5-2-95; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 300

[FRL-5197-1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Alpha Chemical Corporation Site from the National Priorities List: request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region IV announces its intent to delete the Alpha Chemical Corporation Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL is codified as Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Florida Department of Environmental Protection (FDEP) have determined that the Site poses no significant threat to public health or the environment and therefore, no further response pursuant to CERCLA is appropriate.

DATES: Comments concerning this Site may be submitted on or before: June 2, 1995.

ADDRESSES: Comments may be mailed to: Joe Franzmathes, Director, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

Comprehensive information on this Site is available through the Region IV

public docket, which is available for viewing at the Alpha Chemical Corporation information repositories at two locations. Locations, contacts, phone numbers and viewing hours are:

U.S. EPA Record Center, attn: Shannon Neal, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Phone: (404) 347-0506. Hours: 8:00 a.m. to 4:00 p.m., Monday through Friday, by appointment only;

Lakeland Public Library, 100 Lake Morton Drive, Lakeland, Florida 33801, Phone: (813) 499-8242, Hours: 9:00 a.m. to 9:00 p.m., Monday through Thursday, 9:00 a.m. to 5:00 p.m., Friday and Saturday, 1:30 p.m. to 5:00 p.m., Sunday.

FOR FURTHER INFORMATION CONTACT:

Barbara Dick, U.S. EPA Region IV, Mail Code: WD-SSRB, 345 Courtland Street, N.E., Atlanta, Georgia 30365, (404) 347-2643 x6273.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

I. Introduction

The EPA Region IV announces its intent to delete the Alpha Chemical Corporation Site, Lakeland, Florida, from the NPL, which constitutes Appendix B of the NCP, 40 CFR Part 300, and requests comments on this deletion. EPA identifies sites on the NPL that appear to present a significant risk to public health, welfare, or the environment. Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA proposes to delete the Alpha Chemical Corporation Site at 4620 N. Galloway Road, Lakeland, Florida 33809 from the NPL.

EPA will accept comments concerning this Site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how this Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR Section 300.425(e), sites may be deleted from or recategorized on the NPL where no further response is appropriate. In

making this determination, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible or other parties have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and no further action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazardous Ranking System.

III. Deletion Procedures

The following procedures were used for the intended deletion of the Site:

1. FDEP has concurred with the deletion decision;
2. A notice has been published in local newspapers and has been distributed to appropriate Federal, State and local officials, and other interested parties announcing a 30-day public comment period on the proposed deletion from the NPL; and
3. The Region has made all relevant documents available at the information repositories.

The Region will respond to significant comments, if any, submitted during the comment period.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes to assist Agency management.

A deletion occurs when the Regional Administrator places a final notice in the **Federal Register**. Generally, the NPL will reflect any deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary, if any, will be made available to local residents by the Regional office.

IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the intention to delete this Site from the NPL.

The Alpha Chemical Corporation Site in western Polk County, Florida encompasses 32 acres of land. Since 1967 Alpha Resins Corporation (ARC) has manufactured polyester resins at the Site and until 1976 discharged wastewater from the resin manufacturing into two onsite surface impoundments. The ponds operated as

percolation basins under a permit with the FDEP. In 1976 a thermal oxidizer was installed and water was no longer placed into the percolation ponds.

By 1977 the smaller of the two permitted ponds had dried. This unlined pond was used as a solid waste landfill for ARC and its employees for approximately one year. A dam was constructed in the center of the other wastewater pond and half was lined in concrete after pumping the sediments and water into the other half. The concrete-lined pond received caustic wash waste and did not discharge any of the waste stream to the environment. This concrete-lined pond was later filled with soil. The unlined pond remained; however, its use was discontinued.

In October 1981 Alpha Chemical Corporation was one of the original sites proposed for placement on the NPL. In the early 1980's EPA collected samples from the Site and offsite wells, and in 1983 FDEP issued an Environmental Groundwater Assessment report. The report determined that groundwater contamination was confined to the surficial aquifer and had not migrated offsite. Contaminants detected onsite included ethylbenzene, xylene, naphthalene, and benzene. Alpha Chemical Corporation became a final site on the first NPL list in September 1983.

ARC installed ground water monitoring wells and sampled the soil and groundwater and found phthalates, halogenated and non-halogenated volatile organic compounds (VOCs), phenols, polynuclear aromatic hydrocarbons (PAHs), and non-priority pollutants such as benzyl alcohol and benzoic acid in groundwater from the shallow onsite monitoring wells. ARC signed a consent order with FDEP in March 1985 to perform a Remedial Investigation (RI), Endangerment Assessment (EA), and if necessary, a Feasibility Study (FS).

The EA concluded that the contaminated samples are confined to a few sampling locations. Groundwater sampling results in 1987 from all groundwater monitoring wells and sand point wells showed an overall trend of decreasing levels of constituents in the groundwater. No positively identified constituents were detected in the shallow monitoring wells located immediately south of the wetland, indicating offsite migration was unlikely.

FDEP and EPA met the community in a public meeting in November 1986, to discuss the EA and RI and again in a 1988 public meeting to discuss the results of the FS. EPA and FDEP

addressed questions from the audience concerning health effects, aquifer characteristics, onsite landfill impacts, sampling efforts, remedial alternatives, and monitoring.

In May 1988 EPA signed a Record of Decision (ROD) selecting a remedy for the Alpha Chemical Corporation Site. The ROD called for placing a low permeability cap over the small unlined pond and long-term monitoring of the surface and groundwater to ensure that the remedy is effective and that the landfill continues to meet the applicable and relevant or appropriate requirements (ARARs). (Section 121(d)(2)(A) of CERCLA, 42 U.S.C. § 9621(d)(2)(A), requires with respect to any contaminant that will remain on site after the remedy is complete, that the degree of cleanup must meet all ARARs.)

A consent decree between EPA and ARC was entered into court in May 1989, requiring ARC to perform the remedial design/remedial action (RD/RA) and to record appropriate deed restrictions. The remedial design consisted of capping the unlined pond with a synthetic low permeability cap. The cap design ensured that surface runoff would be diverted and vertical infiltration would be prevented.

The remedial action involved removing water from the unlined pond and filling with clean clay soil. A synthetic low permeability liner and layers of drainage material, filter fabric, and topsoil were placed over the compacted fill material. Drainage swales were installed around the cap to prevent vertical infiltration. The cap surface was seeded and drainage ditches sodded to preclude erosional damage to the cap. Construction of the cap over the unlined pond required two weeks and was completed on September 15, 1989. EPA sent out fact sheets to inform the public that remedial construction had been completed. During the following year, ARC decided to sod the cap as an extra measure of precaution against the threat of erosion.

The ROD identified groundwater and surface water cleanup standards for five indicator chemicals at the site. One of these chemicals, 1,2-dichloropropane, was not detected in groundwater at the time the ROD was written and another chemical, benzoic acid, did not have a groundwater cleanup value; therefore, the ROD required periodic monitoring for only three contaminants, ethylbenzene, styrene, and total xylenes. Quarterly groundwater samples taken from two monitoring wells have been analyzed for these three compounds since the remedial action construction was complete in September 1989. Six

other wells selected for monitoring in the Remedial Design/Remedial Action Project Operations Plan (POP) were eliminated from the monitoring requirements since the three contaminants being monitored in these wells were consistently below contingency levels, often at non-detect levels. Prior to site close out, it was confirmed that 1,2-dichloropropane was still not present in the groundwater.

When the ROD was issued in 1988, the Agency had established Recommended Maximum Contaminant Levels (RMCLs) for four of the five groundwater contaminants at the Alpha Chemical Corporation Site. These RMCLs were also used as the contingency levels, or cleanup goals, in the POP and are shown in the table below. Since then EPA has established MCL Goals (MCLGs) and MCLs for these four contaminants at the site. The fifth contaminant, benzoic acid, did not have a RMCL nor does it have a MCLG or MCL. The protective groundwater values for the four contaminants have changed as follows:

| Contaminant | Recommended MCL (ug/l) | MCL goal (ug/l) | MCL (ug/l) |
|---------------------------|------------------------|-----------------|------------|
| 1,2-Dichloropropane | 6 | 0 | 5 |
| Xylene | 440 | 10,000 | 10,000 |
| Styrene | 140 | 100 | 100 |
| Ethylbenzene | 680 | 700 | 700 |

In addition, the ROD required groundwater monitoring to ensure that source control (the cap and landfill) achieved the clean-up standards identified in the ROD as ARARs. The Agency is now confident that the remedy, as carried out pursuant to the ROD, is, and will continue to be, protective of human health and the environment, because the post-ROD, more protective MCL levels have been attained at this Site for 1,2-dichloropropane and styrene.¹ In addition, the other two contaminants of concern, xylene and ethylbenzene, have attained RMCLs, which are the clean-up standards established in the ROD.

The Agency has groundwater monitoring data showing that groundwater downgradient of the landfill has attained all ARARs, as identified in the ROD. Monitoring results have shown that groundwater concentrations of xylene have

¹ Zero level MCLGs are not used as ARARs, instead the MCL is used if applicable and appropriate. 40 CFR 300.430(e)(2)(i)(C).

consistently been below the RMCL and MCLG for 10 years in all monitoring wells being monitored. Since one detection at 100 ug/l in 1990, styrene has been below both the RMCL and the MCLG in all groundwater samples. Concentrations of ethylbenzene in the groundwater have been below the RMCL and MCLG since 1991, with the exception of a detection of 690 ug/l in December 1992 and 1200 ug/l in June 1994. Overall monitoring results clearly show these minor exceedances are isolated cases. This data demonstrates the effectiveness of the source control remedy selected in the ROD as the preferred alternative for protecting human health and the environment at the Site.

The ROD also required surface water monitoring to be conducted to confirm surface water ARARs were being attained and specified surface water values for ambient criteria for protection of fresh water life for the five contaminants. Prior to site close out, all five contaminants were confirmed to be below the surface water values cited in the ROD. Current ARARs for surface water are the Florida Surface Water Quality Criteria and the Federal Ambient Quality Criteria; however, no state or federal criteria values have been designated for any of the five contaminants. Freshwater quality screening values for 1,2-dichloropropane and ethylbenzene have been established by Region IV Waste Management Division and these two contaminants have not been found in surface water above the screening values. In addition, the three VOCs constantly being monitored over the long-term have either not been detected or were detected at low levels in surface water samples.

As required by the consent decree, ARC has recorded appropriate deed restrictions for the property.

In summary, sampling results from all monitoring wells and surface water collections confirm that the contaminants have decreased to levels below ARARs and that all appropriate actions have been taken to ensure that the Site remains protective of human health and the environment. ARC's inspections of the cap have indicated that the remedy is performing as designed.

EPA completed a Five-Year Review at the Site to determine whether the cap remains effective in 1994. Review activities included a Site visit, a reassessment of the ARARs, and sampling. The Five-Year Review and monitoring results have demonstrated that the remedy at Alpha Chemical Corporation Site has been effective at

meeting the ARARs. EPA has met the requirement for performing a five-year review at the Site, as specified in Section 121(c) of SARA. The next five-year review will check future problems and be performed no later than February 1999.

Confirmational monitoring of groundwater demonstrates that no

significant risk to public health or the environment is posed by the Site. The results of the monitoring confirmed that the remedy is effective and that the landfill continues to meet ARARs.

EPA, with concurrence of FDEP, has determined that all appropriate actions at the Alpha Chemical Corporation Site have been completed, and that no

further response is necessary. Therefore, EPA is proposing deletion of the Site from the NPL.

Dated: April 11, 1995.

Patrick M. Tobin,

*Acting Regional Administrator, USEPA
Region IV.*

[FR Doc. 95-10750 Filed 5-2-95; 8:45 am]

BILLING CODE 6560-50-P